

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 62/157/2021

This the 15th day of January, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Javed Ahmad Bhat, aged 42 years, S/o Ali Mohd. Bhat, S/o Ali Mohd Bhat, R/o Bagh Jogilankar Rainwari, Srinagar.

.....Applicant

(Advocate: Mr. Mian Tufail)

Versus

1. State of J&K through Commissioner/Secretary to Government, Revenue Department, Civil Secretariat, Srinagar/Jammu.
2. Financial Commissioner (Rev.), J&K Government, Srinagar/jammu.
3. J&K Service Selection Board, through its Chairman, Srinagar/Jammu.
4. Pardeep Singh
5. Rama Kumar Chalotra
6. Anil Charak
7. Subash Kumar
8. Kamal preet Singh
9. Aman Kumar Anand
10. Sudesh Kumar
11. Amit Upadhaya
12. Gulshan Kumar
13. Rahul Ji basotra
14. Munish Sharma
15. Arun Kumar Badiyal
16. Manjeet Singh Katal
17. Vivek Chander
18. Vinay Kumar
19. Santosh Kumar
20. Rohit Sharma



21. Ashok Chakerverty
22. Sumaina Barthi
23. Shakti Paul Sambyal
24. Vikas Arti
25. Naresh Kumar
26. Rifat
27. Rakesh Kumar Sharma
28. Anil Kumar Atri
29. Gendeep Kumar
30. Majid Chowdhari
31. Mohammad Salim Wazir, Naib Tehsildars of the Revenue Department, Respondents 4 to 31, C/o Financial Commissioner (Rev) J&K Srinagar Jammu.

.....Respondents

(Advocate: Mr. Rajesh Thappa, Id. Deputy Advocate General)

O R D E R

[O R A L]

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicant herein is aggrieved by the in-action of the respondents in not giving him the same benefit as has been given to the petitioners of SWP No. 1941 of 2009 and other connected cases.

2. The relevant portion of the order dated 19.08.2015 passed in SWP No. 1941 of 2009 and other connected cases is reproduced below:-

“38. For the above stated reasons this writ petition along with connected CMP(s) is disposed of in the following manner:-

The official respondents are directed to consider and appoint the petitioners on the posts of Naib Tehsildars against the vacancies which stand already reserved in terms of the Court Orders in these writ petitions. The appointment orders in this behalf be issued within four weeks from the date copy of this order is served. In case of those of the petitions who might have crossed the upper age limit for



entering the Government Services, it shall be deemed that relaxation is granted in the upper age limit. The petitioners in this fact situation shall be given all the service benefits including the seniority from the date the private respondents have been appointed on the posts of Naib Tehsildars, The petitioners, however, will not be entitled to any monitory benefit for the period between appointment of private respondents and till the date of their appointments. Besides this the petitioners in SWP. Nos' 1941/2009, 1820/2009 and 1709/2009 shall also be extended the benefit of Judgement dated 31st December, 2014 passed in SWP. No. 487/2009. ”

3. Learned counsel for the applicant submits that the instant T.A. may be disposed of in the light of the aforesaid judgement of the Hon'ble High Court.

4. Accordingly, the T.A. is disposed of with direction to the respondents to consider the claim of the applicant and determine his eligibility in terms of judgement dated 19.08.2015 rendered by the Hon'ble High Court in SWP No. 1941 of 2009 and other connected cases. In case, the applicant is found to be similarly situated as per the petitioners in the aforesaid case, the respondents shall take appropriate decision in this regard within a period of six weeks from the date of receipt of certified copy of this order.

5. It is made clear that we have not entered into the merits of the case.

6. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)